

Fact Sheet: Puerto Rico Solid Waste

Last Updated: 11/29/2010 7:49:18 AM

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ISSUE:

Solid waste management in Puerto Rico is reaching a critical state as there is virtually no recycling and most operating landfills are almost at capacity, operate largely out of compliance with federal RCRA and CAA landfill standards, and present an ongoing risk to human health and the environment. No other disposal options are currently in place and although Waste To Energy (WTE) technology is being considered, it is quite controversial and in the past has not received enough support to be pursued. In addition, EPA has worked for several years to address Puerto Rico's solid waste management regulations which have been inconsistent with federal requirements since 1997. Recent proposed revisions appear to rectify inconsistencies however actual waste management practices remain unsustainable. To address these pressing issues, this year the Region launched the PR Recycling Partnership with representatives from government, academia, non-profit and business sectors to facilitate waste reduction and recycling in the Commonwealth. The group had its inaugural meeting in April in San Juan, has followed up with monthly conference calls and/or meetings.

CURRENT STATUS:

EQB-Landfills:

(please see Puerto Rico Landfill factsheet).

EQB-Regulations:

EQB amended its solid waste management regulations in 1997 without approval from EPA, making the regulations inconsistent with the federal requirements, however in correspondence dated February 1, 2010, EQB transmitted its draft revised regulations per EPA's recommendations. EPA has performed an extensive review of these changes and it appears the proposed draft revised regulations are now consistent with the federal requirements and only minor additional modifications are necessary.

SWMA-Infrastructure:

While the compliance and capacity issues continue to mount, the Puerto Rico Solid Waste Management Authority (SWMA), responsible for planning and infrastructure, has been severely challenged in addressing the capacity, recycling and compliance issues (in part due to its difficulty implementing any of its integrated solid waste management plans). Its most recent plan, the Dynamic Itinerary for Infrastructure Projects ("DIIP") was an attempt to illustrate three solid waste management scenarios based on various infrastructure investments. The DIIP demonstrated that: with the existing program, the "Do Nothing Capacity Model", solid waste capacity would be exhausted by 2018; with the "Backup Case Scenario" of 35% recycling by 2030, some landfill expansion/new construction, and no waste-to-energy (WTE) facilities, solid waste capacity would be exhausted by 2037; with the "Base Case Scenario" of 35% recycling by 2016, some landfill expansion/new construction, and two WTE facilities, solid waste capacity would be exhausted by 2047. The DIIP also proposed various strategies to increase recycling however no detailed implementation plans were included. As a result, the document serves more as a framework than roadmap but demonstrates the critical need for additional and improved infrastructure. The momentum of SWMA to implement any of its solid waste management plans also has been hampered by frequent personnel changes, not only with the new administration but also within administrations -most recently the Executive Director and the Recycling Director within the past several months.

BACKGROUND:

SWMA ISSUES:

SWMA continues to develop its solid waste management infrastructure, most recently through completion of the DIIP under the last administration, however a new administration and changes in perspectives related to thermal treatment technology (e.g., WTE) have resulted in considerable inertia in moving forward with a definitive solid waste management plan. EPA has been working closely with SWMA to improve its solid waste management infrastructure. EPA has continued to offer assistance through technical review/guidance, grants, workshops and conferences co-sponsored with SWMA such as the 2007 Waste to Energy conference and the 2008 Recycling conference. Most recently EPA funded the development of the Puerto Rico Materials Exchange Web site - a virtual marketplace that enables users to trade recyclable materials online, and sponsored a training workshop during its launch in April 2009. The goal is to facilitate waste diversion and increase materials reuse and recycling, promote green jobs and economy and reduce GHGs emissions. The Web site currently has 124 members with 342 listings. EPA has been performing additional outreach to increase use of this waste diversion tool. Moreover, the Puerto Rico Recycling Partnership is continuing to build momentum towards establishing recycling infrastructure in the Commonwealth.

EQB ISSUES:

SOLID WASTE MANAGEMENT REGULATIONS:

In 2005 EPA learned that EQB substantively modified its solid waste management regulations in 1997 without notifying EPA as required performed a comparison of the revised regulations against the 1993 regulations upon which Puerto Rico's program approval was based. The review revealed severe deficiencies in the revised regulations to the extent that, if EQB had submitted these revised regulations to EPA, they would not have been approved. The consequences of failure to re-amend the regulations to make them consistent with federal requirements could include withdrawal of program approval status, which would result in EPA having direct enforcement authority for certain landfill requirements. EPA would not, however, have permitting authority and consequently Puerto Rico would lose the flexibilities afforded to approved states including construction of new landfills or lateral expansion of existing ones in seismic zones (in which the entirety of Puerto Rico lies), alternative daily cover, and alternative monitoring frequency. Region 2 expressed its concerns about the regulatory changes and the potential jeopardy of Puerto Rico's program approval status to EQB and the Puerto Rico Governor's office numerous times since 2006. The new Chairman of EQB, Mr. Nieves, has been apprised of the urgency of the issue during discussions with the EPA Region 2 Regional Administrator, and via letter from the Regional Administrator dated August 10, 2009. Since that time, EQB has formed an internal working group to look at the regulations and address the outstanding concerns and on February 1, EPA received a copy of EQB's draft revised regulations. EPA has reviewed these regulations for consistency with the federal requirements and found that only minor additional modifications are necessary for federal consistency.

LANDFILLS:

Compliance with CAA and RCRA landfill regulations has remained a challenging and pressing problem for Puerto Rico and the situation has resulted in considerable EPA enforcement involvement over the past several years. (Please see Puerto Rico Landfill factsheet).